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PAGE 01 BOGOTA 00504 221451Z
ACTION DRL-02

INFO LOG-00 NP-00 AMAD-00 CIAE-00 WHA-00 SRPP-00 FBIE-00
 UTED-00 H-01 TEDE-00 INR-00 JUSE-00 L-00 AC-01
 NSAE-00 PM-00 ACE-00 PMB-00 NFAT-00 SAS-00 /004W
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R 221416Z JAN 01
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC 9307
INFO USCINCSO MIAMI FL
SECDEF WASHDC
JCS WASHDC

UNCLAS BOGOTA 000504

E.O. 12958: N/A
TAGS: PHUM, MASS, CO
SUBJECT: AIR FORCE RE-VISITS SANTO DOMINGO INVESTIGATION

1. ACCORDING TO A 1/17/01 LETTER FROM AIR FORCE COMMANDING GENERAL HECTOR FABIO VELASCO, THE AIR FORCE IS CURRENTLY REVIEWING ITS MAY, 1999 DECISION NOT TO OPEN A MILITARY INVESTIGATION INTO THE ALLEGED BOMBING OF CIVILIANS AT SANTO DOMINGO, ARAUCA, ON DECEMBER 12-13, 1998. GEN. VELASCO ALSO REPORTS THAT MILITARY JUSTICE INVESTIGATORS RE-VISITED THE SITE ON DECEMBER 28, 2000 IN LIGHT OF INFORMATION FORWARDED BY THE PROSECUTOR GENERAL'S OFFICE. THIS VISIT WILL CONTRIBUTE TO A DECISION BY THE MILITARY JUSTICE AUTHORITIES WHETHER OR NOT TO OPEN A FORMAL INVESTIGATION INTO THE CASE.

UNCLASSIFIED

PAGE 02 BOGOTA 00504 221451Z
POST WILL CONTINUE TO FOLLOW THIS CASE CLOSELY. THE AMBASSADOR PLANS TO CONVEY THIS NEW INFORMATION TO SENATOR LEAHY GIVEN HIS LONGSTANDING INTEREST IN THIS CASE; POST WILL COORDINATE THIS WITH THE DEPARTMENT. ON 1/19 REPRESENTATIVES OF AMERICA'S WATCH AND WOLA CRITICIZED THE COLOMBIAN MILITARY'S PERFORMANCE ON SANTO DOMINGO, AND ARGUED THAT THE USG SHOULD NOT VET UNITS THAT WERE INVOLVED IN THE INCIDENT UNTIL A SATISFACTORY INVESTIGATION HAS BEEN CONCLUDED.

2. INFORMAL TRANSLATION OF TEXT OF LETTER FROM GENERAL VELASCO TO AMBASSADOR FOLLOWS:

THIS COMMAND CONSIDERS IT IMPORTANT TO INFORM YOU OF THE ACTIONS TAKEN BY THE AIR FORCE REGARDING THE EVENTS OF

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DECEMBER 12 AND 13, 1998, IN SANTA DOMINGO, ARAUCA, DURING WHICH 17 CIVILIANS AND 8 MILITARY WERE KILLED.

1. AFTER THE EVENTS THE AIR FORCE COMMAND SENT OFFICIALS TO THE SITE IN ORDER TO COLLECT EVIDENCE AND TO START THE APPROPRIATE INVESTIGATION
2. ON MAY 20, 1999 AN OFFICIAL OF THE MILITARY PENAL SERVICE DETERMINED THAT THE TECHNICAL EVIDENCE COLLECTED UP TO THAT POINT DID NOT MERIT THE OPENING OF A FORMAL INVESTIGATION
3. ON AUGUST 28, 2000 THE SAME OFFICIAL ORDERED THAT THE INVESTIGATIVE FILE BE RE-OPENED IN ORDER TO TAKE NOTE OF ADDITIONAL EVIDENCE AND DETERMINE WHETHER A FORMAL INVESTIGATION SHOULD BE OPENED.
4. ON OCTOBER 27, 2000, ONCE THE AIR FORCE COMMAND BECAME
UNCLASSIFIED

PAGE 03 BOGOTA 00504 221451Z
AWARE OF EVIDENCE SUBMITTED BY THE PROSECUTOR GENERAL AND THE FBI, IT FORMALLY ASKED THE EXECUTIVE DIRECTOR OF MILITARY JUSTICE TO MOUNT A NEW PRELIMINARY INVESTIGATION TO BE CONDUCTED BY MILITARY JUSTICES NO. 121, 122 AND 125 FROM BOGOTA. A COPY OF THIS REQUEST IS ATTACHED.

5. IN ACCORDANCE WITH RESOLUTION 38 DATED 21 NOVEMBER 2000 THE PRELIMINARY INVESTIGATIVE TEAM WAS CREATED INCLUDING 3 JUDGES, 2 CIVILIAN OFFICIALS, AND ONE MEMBER OF THE MILITARY. THIS TEAM RE-VISITED THE AREA OF SANTO DOMINGO, ARAUCA, LAST DECEMBER 28, 2000 IN ORDER TO DETERMINE THE FACTS AND REVIEW THE COLLECTION OF EVIDENCE. SUPPORT FROM THE AIR FORCE AND THE ARMY WAS REQUIRED GIVEN GUERRILLA INFLUENCE IN THE AREA. CURRENTLY THE INVESTIGATION IS IN THE INSTRUCTION PHASE IN ORDER TO TAKE, AS SOON AS MAY BE POSSIBLE, A MORE INFORMED DECISION.

IT HAS ALWAYS BEEN THE POLICY OF THIS COMMAND TO COLLABORATE SO THAT INVESTIGATIVE FACTS CAN BE CLARIFIED, AND TO RESPECT THE DECISIONS OF JUDGES GIVEN THAT THEY ARE AUTONOMOUS AND INDEPENDENT.

END INFORMAL TRANSLATION.

PATTERSON

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